



FACT SHEET
NOTICE OF PROPOSED RULEMAKING
Failure to Submit PM-10 Attainment Plan
and
Finding of Failure to Attain PM-10 Standard

February 28, 2002

Today's Actions

- EPA is today: 1) issuing a finding that the State of California has failed to submit a plan demonstrating how the San Joaquin Valley will achieve clean air for airborne particulates; and 2) proposing a finding that the San Joaquin Valley continues to record unhealthful levels of airborne particulates.
- EPA will take public comment on the proposed finding of failure to attain for 30 days from the date of publication in the Federal Register. The failure to submit finding is effective today, upon signature.

Background

- The San Joaquin Valley acquired a designation of “moderate nonattainment” for PM-10 on the date of enactment of the 1990 Clean Air Act Amendments. On January 8, 1993 EPA determined that the San Joaquin Valley could not achieve clean air by the deadline for moderate areas and so reclassified the San Joaquin Valley to “serious.”
- In 1997, the California Air Resources Board submitted a serious area PM-10 attainment plan to EPA on behalf of the San Joaquin Valley Unified Air Pollution Control District. In the more than 4 years since plan submittal, minimal progress has been made in implementing the commitments in the plan. The federal air quality standards for PM-10 continue to be violated. Thus we are proposing a finding of failure to attain the federal clean air standard for dust.
- EPA was legally obligated to approve or disapprove the 1997 PM-10 Plan by January 1999. EPA missed that deadline. As a result of a lawsuit filed by Earthjustice, EPA committed to take action on the State's 1997 PM-10 Plan by March 1, 2002.
- However, on February 26th, the State withdrew the Plan from EPA consideration. Therefore, the State is in violation of the Clean Air Act and we are finding that they have failed to submit a PM-10 attainment plan.
- The San Joaquin Valley Air Pollution Control District has already begun to develop a new PM-10 plan. EPA will be working closely with State and local agencies as well as all stakeholders as the plan is developed.

How Polluted is the Air in the San Joaquin Valley?

- The San Joaquin Valley is one of only eight serious PM-10 nonattainment areas in the country.
- Comparing PM-10 levels statewide, the San Joaquin Valley has 3 of the 15 worst violating monitors in the State.
- PM-10 concentrations recorded over the last few years in Corcoran and Bakersfield have been more than 35% above the federal health standard.
- Particulate matter can accumulate in the respiratory system or penetrate deeply into the lungs and can contribute to health effects such as asthma, decreased lung function, and alterations in respiratory tract defense mechanisms.

What is Causing the Pollution?

- According to available State and local information, approximately 75% of the PM-10 inventory in the San Joaquin Valley comes from fugitive dust sources such as unpaved roads, construction sites, and farming operations. PM-10 pollution is also impacted by emissions of secondary sources: volatile organic compounds, nitrogen oxides, sulfur oxides, and ammonia that react in the atmosphere to form PM-10. Examples of secondary sources include industrial and mobile source fuel combustion, petroleum processing, waste burning, and confined animal operations

What are the Consequences of Today's Actions?

- Today's **finding of failure to submit** a PM-10 plan starts an 18-month sanctions clock that can only be turned off by a complete plan submittal, and a 2-year federal implementation plan (FIP) clock that can only be turned off by EPA approving the to-be-submitted PM-10 plan. If a plan is not approved within 2 years, EPA is obligated to issue a federal plan for the area.
- The **proposed finding of failure to attain**, if finalized, would obligate the San Joaquin Valley to prepare and submit a new plan that reduces particulate matter pollutants by 5% per year until the area attains the federal health standards for PM-10.

Public Comment

- A copy of today's actions will be available in the Air Programs section of EPA Region IX's website, <http://www.epa.gov/region09/air/>.
- Public comments on the proposed finding of failure to attain should be mailed to Celia Bloomfield, EPA Region IX, Air Division (AIR-2), 75 Hawthorne Street, San Francisco, CA 94105; or sent by e-mail to bloomfield.celia@epa.gov.
- For more information, contact Celia Bloomfield at (415) 947-4148.